

LG302*

Local Government Act 1995

**Local Government (Constitution) Amendment
Regulations 2014**

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Local Government (Constitution) Amendment Regulations 2014*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. Regulations amended

These regulations amend the *Local Government (Constitution) Regulations 1998*.

4. Regulation 4 amended

After regulation 4(2) insert:

- (3) If, on the commencement of the order referred to in subregulation (1), a part of the area of a district (“**district A**”) (which is not abolished) is included in the area of the new district (“**district B**”), then on that commencement any Crown land that is in that part of district A and that, immediately before that commencement, is under the care, control and management of local government A becomes under the care, control and management of local government B on the same conditions to which the care, control and management of that Crown land by local government A were subject.

5. Regulation 5 amended

(1) In regulation 5(4):

(a) before paragraph (a) insert:

- (aa) any Crown land that is in that part of district B and that, immediately before commencement, is under the care, control and management of local government B becomes under the care, control and management of local government A on the same conditions to which the care, control and management of that Crown land by local government B were subject; and

(b) in paragraph (c) delete “town planning scheme that is in force under the *Town Planning and Development Act 1928* —” and insert:

local planning scheme that is in force under the *Planning and Development Act 2005* —

- (2) In regulation 5(4) after each of paragraphs (a) to (c) and (c)(i) insert:

and

6. Regulation 6 amended

- (1) In regulation 6(4)(d) delete “town planning scheme that is in force under the *Town Planning and Development Act 1928* —” and insert:

local planning scheme that is in force under the *Planning and Development Act 2005* —

- (2) In regulation 6(5):

- (a) before paragraph (a) insert:

(aa) any Crown land that is in that part of district A and that, immediately before commencement, is under the care, control and management of local government A becomes under the care, control and management of local government B on the same conditions to which the care, control and management of that Crown land by local government A were subject; and

- (b) in paragraph (c) delete “town planning scheme that is in force under the *Town Planning and Development Act 1928* —” and insert:

local planning scheme that is in force under the *Planning and Development Act 2005* —

- (3) In regulation 6 after each of subregulations (4)(a) to (i), (4)(d)(i), (5)(a) to (d) and (5)(c)(i) insert:

and

7. Regulation 7 amended

- (1) Delete regulation 7(1) and insert:

- (1) In this regulation —

commencement means —

- (a) in subregulation (2), the commencement of the order referred to in subregulation (2);

- (b) in subregulation (3), the commencement of the order referred to in subregulation (3).

(2) After regulation 7(2) insert:

- (3) If as a result of an order made under section 2.1 an area of the State is included in the area of another district (“**district A**”) and the area of the State includes —
 - (a) a part of the area of a district (“**district B**”) the boundaries of which are changed by the order; or
 - (b) the whole, or a part, of the area of a district (“**district C**”) that is abolished by the order; or
 - (c) a combination of the areas described in paragraphs (a) and (b),

then on commencement —

- (d) the local laws that applied in that part of the area of district B immediately before the commencement continue to apply in respect of that part of the area of district B that is included in district A; and
- (e) the local laws that applied in the whole, or that part, of the area of district C immediately before the commencement continue to apply in respect of the whole, or that part, of the area of district C that is included in district A; and
- (f) the local laws of local government C continue to apply in respect of the whole, or that part, of the area of district C that is included in district A; and
- (g) the local laws of local governments B and C, in so far as they continue to apply in respect of those areas —
 - (i) are to be administered and enforced by local government A; and
 - (ii) subject to Part 3 Division 2 of the Act, may be amended or repealed by local government A,

as if they were local laws of local government A; and

- (h) until the local laws of local government A provide otherwise, the local laws of local government A do not apply in respect of —
 - (i) that part of the area of district B that is included in district A; or
 - (ii) the whole, or that part, of the area of district C that is included in district A.

(3) In regulation 7(2):

(a) after paragraph (a) insert:

or

(b) after each of paragraphs (d) and (e) insert:

and

8. Regulation 11G amended

After regulation 11G(1)(a) insert:

and

R. KENNEDY, Clerk of the Executive Council.
